

LOUISIANA PUBLIC SERVICE COMMISSION
MINUTES FROM MAY 19, 2010
OPEN SESSION

MINUTES OF MAY 19, 2010 OPEN SESSION OF THE LOUISIANA PUBLIC SERVICE COMMISSION HELD IN NATCHITOCHES, LOUISIANA. PRESENT WERE CHAIRMAN LAMBERT BOISSIERE, VICE CHAIR JIMMY FIELD, COMMISSIONERS FOSTER CAMPBELL, ERIC SKRMETTA AND CLYDE HOLLOWAY. ALSO PRESENT WAS EVE KAHAO GONZALEZ.

Open Session of May 19, 2010, convening at 9:20 A.M. and adjourning at 10:55 A.M., Natchitoches Event Center, 750 Second Street, Natchitoches, Louisiana, with the above-named members of the Commission and Secretary Eve Kahao Gonzalez.

Ex. 1 Announcements

Commissioner Campbell thanked everyone for coming to Natchitoches.

Mayor Wayne McCullen also thanked everyone for coming to Natchitoches and thanked the Public Service Commission for their support of the SWEPCO acquisition of Valley Electric.

The following constituents voiced their encouragement to the PSC regarding expediting the Valley/SWEPCO merger: Mike Wolff with Weyerhaeuser Company, Ray Dyess, Mary Louise Sally, Doug Airhart, Lois McBryde and Danny Forsythe.

Commissioner Campbell requested that if, for some reason, the Valley/SWEPCO merger was not ready to be voted on by the July meeting that the Commission hold a special meeting in August.

Commissioner Holloway echoed Commissioner Campbell's support for this transaction to go through as quickly and seamlessly as possible.

Commissioner Skrmetta directed Staff to open a docket to create a rule for returning monies that the Commission collects through Inspection and Supervision fees and through its Motor Carrier Fund and its DNC fund that the Commission deems to be an "overcollection" to the ratepayers and to come up with the proper mechanism to do so.

Commissioner Skrmetta also directed Staff to open a docket to ensure that all meter readers for any utility company employed either by the company or contracted meter readers are at least 18 years of age.

Commissioner Holloway reminded everyone that the July 28th B&E will be in Crowley, Louisiana.

Commissioner Boissiere congratulated Staff Attorney Melanie Verzwylt on her recent wedding.

Commissioner Boissiere also welcomed David Kantrow back from his tour of duty.

Ex. 2 **T-31250 - Louisiana Public Service Commission vs Cherie E. Mulhaupt & Circle C Farms (Vivian, Louisiana). In re: Alleged violation of Louisiana Revised Statutes Title 45:161 through 180.1 as amended, by operating Intrastate without L.P.S.C. authority on one count; allegedly occurring on or about December 04, 2009.**

In re: Discussion and possible vote on Stipulated Agreement pursuant to Rule 57.

On motion of Commissioner Holloway, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Campbell, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff Recommendation and accept the agreement between Staff and the Carrier, wherein the Carrier agreed to plead guilty, and agreed to pay a fine of \$2,000.00, per count, with \$1,000.00, per count of the fine being suspended, conditioned on not committing any additional violations within 12 months of the date of the Order and

further agreed to pay a citation fee of \$25.00, the unsuspended portion of the fine and the citation fee, for a total of \$1,025.00, to be paid within 15 days of the issuance of the Order herein.

Ex. 3 **T-30716** - My Vac, LLC. (Jennings, Louisiana), ex parte. In re: Application to amend and expand the authority of common carrier certificate 7013-A to include the transportation of regulated non-hazardous waste by vacuum trucks and lifting the restrictions on end dump waste, statewide.

In re: Discussion and possible vote on Vacuum Truck Carriers of Louisiana, Inc.'s Motion for Reconsideration.

On motion of Commissioner Holloway, seconded by Commissioner Field, with Commissioner Campbell concurring and Commissioners Skrmetta and Boissiere objecting, the Commission voted to deny the Motion for Reconsideration.

Ex. 4 **T-30865** - Environmental Safety & Health Consulting Services, Inc. (Houma, Louisiana), ex parte. In re: Application to convert Contract Carrier Permit No. 1095-B to a common carrier certificate authorizing the transportation of all wastes statewide without limitation.

In re: Referral to Commissioners for review of ALJ's Interlocutory Ruling.

Last month's Ex. 9

On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to exercise its original and primary jurisdiction pursuant to Rule 57.

On motion of Commissioner Field, seconded by Commissioner Skrmetta, and unanimously adopted, the Commission voted to uphold the ALJ's Interlocutory Ruling which denied ES&H's Motion to Strike.

Ex. 5 **U-31284** - Entergy Louisiana, LLC and Entergy Gulf States Louisiana, L.L.C., ex parte. In re: Joint Application of Entergy Louisiana, LLC and Entergy Gulf States Louisiana, L.L.C. for Approval to Participate in Contracts for the Purchase of Electric Power for 2010 and for Cost Recovery.

In re: Discussion and Possible Vote to Hire Exeter as Outside Consultant.

On motion of Commissioner Campbell, seconded by Commissioner Field, and unanimously adopted, the Commission voted to accept the Staff Recommendation and retain Exeter Associates for a budget of \$28,500 for professional services and \$2,500 for expenses for a total budget of \$31,000 to assist Staff in this matter.

Ex. 6 Request to issue RFPs for outside consultant for the Purchased Gas Adjustment audits of Centerpoint Energy Arkla and Centerpoint Energy Entex.

On motion of Commissioner Campbell, seconded by Commission Holloway, and unanimously adopted, the Commission voted to accept the Staff Recommendation and allow Staff to issue RFPs for outside consultants to assist in the audits of CenterPoint Energy Arkla and Centerpoint Energy Entex.

Ex. 7 Presentation by Dr. Mark Zappi of University of Louisiana at Lafayette regarding benefits and prudence of Louisiana specified pilot programs regarding renewable energy projects and sources.

At the request of Commissioner Holloway.

Dr. Mark Zappi gave his presentation regarding benefits and prudence of Louisiana specified pilot programs regarding renewable energy projects and sources and encouraged the Commission to consider having a Phase 2 feasibility study.

Ex. 8 Discussion and possible vote regarding participation of in-house staff attorneys in cases involving outside counsel and/or consultants.

At the request of Commissioner Skrmetta.

Last month's Ex. 16

Deputy General Counsel Brandon Frey clarified to the Commission that all docketed matters have an in-house staff attorney assigned to them and they participate in any and every portion of the proceeding to the extent possible due to budgetary and manpower constraints.

Commissioner Skrmetta directed Staff to look into the feasibility of having an attorney on Staff solely for the purpose of handling FERC proceedings versus hiring outside counsel to handle these matters.

Ex. 9 1) Reports
2) Resolutions
Possible adoption of National Electric Safety Code standards for utility pole maintenance.
At the request of Commissioner Skrmetta.
3) Discussions

On motion of Commissioner Skrmetta, seconded by Commissioner Field, and unanimously adopted, the Commission voted to adopt the resolution as read into the record regarding NESC standards for utility pole maintenance.

Commissioner Field directed Staff to look into standards for anyone owning utility poles, not just electric companies, during the study.

Ex. 10 **U-31176** - Entergy Gulf States Louisiana, ex parte. In re: Test Year 2008 Formula Rate Plan filing.

In re: Discussion and Possible Vote to Accept Uncontested Report.

At the request of Commissioner Field.

On motion of Commissioner Field, seconded by Commissioner Campbell, and unanimously adopted, the Commission voted to accept the Staff Recommendation and adopt the Report and Draft Order as filed into the record.

Ex. 11 **T-31289** – Grand Isle Shipyard, Inc. (Galliano, Louisiana), ex parte. In re: Application to expand Common Carrier Certificate 7256 to allow transportation of non-hazardous oilfield waste, for disposal directly resulting from the Applicant's cleaning of barges, boats and containers located on said barges and boats with restrictions as outlined in the application.

In re: Discussion and possible vote on applicant's application for expanded waste authority pursuant to Rule 57.

At the request of Commissioner Field.

PULLED

On motion of Commissioner Skrmetta, seconded by Commissioner Holloway, and unanimously adopted, the Commission voted to adjourn the meeting.

MEETING ADJOURNED

The next Business and Executive Session will be held June 23, 2010 at 9:00 a.m. in Baton Rouge, Louisiana.